

EXHIBIT A

INCIDENT REPORT

LOCATION	AGENCY LEWISVILLE POLICE DEPARTMENT		ORI #: TX0610600	INCIDENT #: 16-12202	REPORT DATE 10/25/2016 11:37:00 AM
	DATE(S) OF INCIDENT: TIME(S) OF INCIDENT: Start 10-09-2016 Start 00:00 End 10-09-2016 End 00:00		REPORT TYPE: <input checked="" type="checkbox"/> INITIAL REPORT <input type="checkbox"/> SUPPLEMENT	INCIDENT STATUS: <input type="checkbox"/> UNFOUNDED <input type="checkbox"/> CLEARED BY ARREST <input type="checkbox"/> CLEARED EXCEPTIONAL <input type="checkbox"/> PENDING <input checked="" type="checkbox"/> INACTIVE	EXCEPTIONAL CLEARANCE DATE N NOT
OFFENSE	LOCATION OF INCIDENT 1945 LAKEPOINTE DR 100		COUNTY CODE 0001	WEATHER:	LIGHTING:
	Statute UCR CODE	Statute DESCRIPTION UCR CODE DESCRIPTION		CJIS	STATUS COMPLETED ATTEMPTED
	1 INFO 9999	INFORMATION REPORT INFORMATION REPORT		0000	<input checked="" type="checkbox"/> <input type="checkbox"/>
	2				<input type="checkbox"/> <input type="checkbox"/>
3				<input type="checkbox"/> <input type="checkbox"/>	
BIAS MOTIVATION (OFFENSE 1 - 3)			LOCATION OF OFFENSE (OFFENSE 1 - 3)		
1 88 NONE (NO BIAS)			1 _____		
2 _____			2 _____		
3 _____			3 _____		
TYPE CRIMINAL ACTIVITY:			TYPE WEAPON/FORCE INVOLVED		
1 _____			1 _____		
2 _____			2 _____		
3 _____			3 _____		
(For Burglary Only) NUMBER OF PREMISES ENTERED		METHOD OF ENTRY: F <input type="checkbox"/> FORCIBLE N <input checked="" type="checkbox"/> NO FORCE	OFFENDER(S) USED: A <input type="checkbox"/> ALCOHOL C <input type="checkbox"/> COMPUTER EQUIP		D <input type="checkbox"/> DRUGS <input type="checkbox"/> CARGO THEFT
VICTIM NAME: _____			PHONE: _____		
ADDRESS (Street, City, State, Zip)					
TYPE OF VICTIM I PERSON/INDIVIDUAL (NOT A LAW ENFORCEMENT OFFICER)	RACE: WHITE	SEX: FEMALE	RESIDENT STATUS: N NON RESIDENT	ETHNICITY: U UNKNOWN	AGE: 38 DOB: _____ CONNECTED TO OFFENSE: 9999
AGGRAVATED ASSAULT CIRCUMSTANCES 1 _____ 2 _____		JUSTIFIABLE HOMICIDE CIRCUMSTANCE		INJURY TYPE B <input type="checkbox"/> BROKEN BONES I <input type="checkbox"/> POSS. INT INJURIES L <input type="checkbox"/> SEVERE LACERATION U <input type="checkbox"/> UNCONSCIOUSNESS N <input type="checkbox"/> NONE M <input type="checkbox"/> MINOR INJURY O <input type="checkbox"/> MAJOR INJURY T <input type="checkbox"/> LOSS OF TEETH	
RELATIONSHIP OF VICTIM TO OFFENDER 1 - 10 1 _____ 2 _____ 3 _____ 4 _____ 5 _____ 6 _____ 7 _____ 8 _____ 9 _____ 10 _____					
ONLINE, REPORT REPORTING OFFICER		OLRP ID	DATE	REPORTING OFFICER SIGNATURE	
APPROVING SUPERVISOR Kelly, Scott		ID 347	DATE	APPROVING SUPERVISION SIGNATURE	
INVESTIGATOR		ID	ASSISTING OFFICER	ID	ASSISTING OFFICER ID

VICTIM

ADMIN

**INCIDENT REPORT
NARRATIVE**

AGENCY LEWISVILLE POLICE DEPARTMENT	ORI #. TX0610600	INCIDENT #. 16-12202	REPORT DATE 10/25/2016 11:37:00 AM
W016748-102516			
<p>I was threatened at work through a fake email address. Several other employees received emails. This was very upsetting to me and I feel harassed, and stalked and bullied. I went to HR and they suggested that if I feel this way to report it to Lewisville PD. We have an employee that formerly worked in my department that its very possible that she is doing this. I have attached her emial. I do not take threatening of my job lightly.</p>			

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W016748-102516			
<p>The victim provided a non-working link to the mentioned email. I have advised the victim to retain a copy of the email in the event that it should be needed.</p>			

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AGENCY LEWISVILLE POLICE DEPARTMENT	ORI #: TX0810800	INCIDENT #: 16-12202	REPORT DATE 10/25/2016 11:37:00 AM
16-12202-1 S. KELLY #347 10-28-2016			
Lewisville PD case #:	16-12202		
Offense(s):	PC 42.07 Harassment		
Offense Level:	Misdemeanor B		
Offense Date:	Sunday, October 09, 2016		
Report Date:	Tuesday, October 25, 2016		
Date Assigned:	Thursday, October 27, 2016		
Victim:			
Suspect (if known):	"John.MacEnrow@usa.com"		
Disposition Date:	Friday, October 28, 2016		
Disposition:	UNF		
Background Information			
<p>Little Elm resident [redacted] works in Lewisville at Teladoc, 1945 Lakepointe Drive, Suite 100, Lewisville, Denton County, Texas. [redacted] utilized the "Report A Citizen Issue" feature of the City of Lewisville website to report that she had received a threatening email message from a fake email address, sent to her at her work email address on October 09, 2016, and that she felt "harassed, stalked, and bullied". She reported the email to her Human Resources Department, but they suggested she file a report with the police department.</p>			
Basis for Investigation			
<p>Thursday, October 27, 2016 (0935) I was assigned this case for follow-up investigation, but was in two training classes this day (Taser recertification and K9 Encounters).</p>			
<p>(1700) I reviewed the initial report prepared by [redacted]; she indicates that several other employees received similar emails, and that there is an employee that formerly worked in her department that is possibly doing this. [redacted] says she attached the offending email, but there is a supplemental report indicating that the link to the attached email was non-working and to keep the email in the event that it would be needed.</p>			
<p>(1730) I contacted [redacted] via telephone, and we spoke about this case. She provided some additional background information:</p>			
<p>The emails sent to her and other employees were all different in the body text, but appears to come from the same person.</p>			
<p>[redacted] feels that her company knows who the sender is, but that sender is "sleeping with" one of the supervisors, so the company is just going to "sweep this under the rug".</p>			
<p>[redacted] would not provide the name of the person she feels is sending the emails at this time, in case it's not really that person.</p>			
<p>I asked [redacted] if she still had the email, because the link she provided didn't work, and before I could move forward with the case, I would need to evaluate the content of the message and assess if it was protected free speech or if it did constitute a criminal offense. [redacted] said she</p>			

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understood, and that she could forward the email to me once she arrived at work tomorrow. Since [REDACTED] was driving while we were speaking, I asked for her email address, telling her I would send her an email with my contact information, and to reply to that email tomorrow. [REDACTED] provided her email address as:

[REDACTED]@teladoc.com

I also asked her to forward the header information to me, but she was unsure what that was or how to obtain it, so I told her I would provide her instructions in my email.

(1738) I composed an email message and sent it to her email address while still on the phone with her; a copy of this email message was printed and forwarded to LPD Records Division for inclusion with the case file.

I asked [REDACTED] if there had been any other emails since the time she received the email on October 09, 2016 to when she reported it to us, she said there wasn't, and explained the time lapse from incident date to report date as due to her filing it with her company first. I thanked her for the information and terminated the call.

Friday, October 28, 2016

(0913) I received an email message from [REDACTED], which was copied and placed here for clarity:

Hello Detective

I have tried to hover over the from and right click and nothing happens? It does not give me any options. I will keep trying it could be user error. I have a work laptop and I could meet you off site at a Starbucks if needed so you can show me how to do this. Thanks for your time on this.

E: [REDACTED]@teladoc.com <mailto:[REDACTED]@teladoc.com>

P: [REDACTED] F: [REDACTED]

www.teladoc.com <http://www.teladoc.com/>

Facebook <http://www.facebook.com/Teladoc> | Twitter <https://twitter.com/TelaDoc> |

LinkedIn <https://www.linkedin.com/company/teladoc>

From: John MacEnrow [mailto:john.macenrow@usa.com <mailto:john macenrow@usa.com>]

Sent: Sunday, October 09, 2016 4:53 PM

To:

Subject: my teladoc app

your talking to a competitor and going to give them recruits? conflict of interest, wait until garee and

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hr hears about this tomorrow			
<p>CONFIDENTIALITY NOTICE. This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information or otherwise be protected by law. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.</p>			
<p>I observed that the email message she reported in her online report was included, and was from an email address of "john.macenrow@usa.com". The message content was thus:</p> <p>"your talking to a competitor and going to give them recruits? conflict of interest, wait until garee and hr hears about this tomorrow"</p> <p>This email message does not qualify as a criminal incident. A copy of this email response was printed and forwarded to LPD Records Division for inclusion with the case file.</p> <p>(1011) I responded to</p> <p>Good Morning,</p> <p>I've received your forwarded email and reviewed it, but it does not fit into a criminal offense that can be pursued. Rather than just tell you that, though, I'm including the statute so that you can see it and read it for yourself, that way you can understand it:</p> <p>Sec. 42.07. HARASSMENT.</p> <p>(a) A person commits an offense if, with intent to harass, annoy, alarm, abuse, torment, or embarrass another, the person:</p> <ul style="list-style-type: none"> (1) initiates communication and in the course of the communication makes a comment, request, suggestion, or proposal that is obscene; (2) threatens, in a manner reasonably likely to alarm the person receiving the threat, to inflict bodily injury on the person or to commit a felony against the person, a member of the person's family or household, or the person's property; (3) conveys, in a manner reasonably likely to alarm the person receiving the report, a false report, which is known by the conveyor to be false, that another person has suffered death or serious bodily injury; (4) causes the telephone of another to ring repeatedly or makes repeated telephone communications anonymously or in a manner reasonably likely to harass, annoy, alarm, abuse, torment, embarrass, or offend another; (5) makes a telephone call and intentionally fails to hang up or disengage the connection; (6) knowingly permits a telephone under the person's control to be used by another to commit an offense under this section; or (7) sends repeated electronic communications in a manner reasonably likely to harass, annoy, alarm, abuse, torment, embarrass, or offend another. 			

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(b) In this section:

(1) "Electronic communication" means a transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photoelectronic, or photo-optical system.

The term includes:

(A) a communication initiated by electronic mail, instant message, network call, or facsimile machine; and

(B) a communication made to a pager.

(2) "Family" and "Household" have the meaning assigned by Chapter 71

<<http://www.statutes.legis.state.tx.us/GetStatute.aspx?Code=FA&Value=71>>, Family Code.

(3) "Obscene" means containing a patently offensive description of or a solicitation to commit an ultimate sex act, including sexual intercourse, masturbation, cunnilingus, fellatio, or anilingus, or a description of an excretory function.

(c) An offense under this section is a Class B misdemeanor, except that the offense is a Class A misdemeanor if the actor has previously been convicted under this section.

As you can see, the person has to do just one of the seven things listed under subsection (a) above in order for it to be an offense. By process of elimination, we can exclude:

(1), as no obscene reference is made in the email message;

(2), as no bodily injury threat is made in the email message;

(3), as you weren't told that a family member had been killed or died when they hadn't been in the email message;

(4), (5), and (6), because those three involve a telephone communication, and this is via email; and

(7), because for this subsection to apply, the communication has to be repeated, whereas this is a single email to you; even though there are other employees receiving similar messages, each person is a separate incident, and these same parameters apply individually to each person - who also has to file their own report.

However

Should you continue to receive emails from this "John MacEnrow" person, we may be able to lump them together under subsection (7) and pursue a case that way... the only issue in that is the time period that they come in, as anything older than two years will have to be excluded, AND you will have to show viable steps you've taken to curtail the unwanted emails (such as blocking the sender; reporting the messages as spam, having your IT department block the originating IP address, etc...)

Anyway, I will close your case out at this time, but if you have any questions, feel free to reach out to me either by phone or email. ~SK347

A copy of my response was printed and forwarded to LPD Records Division for inclusion with the case file.

(1023) replied to my reply:

Ok, thank you for letting me know. I know that my director also received several emails that were

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<p>directed at her. She will be filing a report also. Thanks again for your time.</p> <p> </p> <p>A copy of this reply was printed and forwarded to LPD Records Division for inclusion with the case file.</p> <p>No further investigative activity will be conducted by me on this case.</p> <p>I recommend that this case be closed UNFOUNDED.</p> <p>RECOMMENDATION: CLOSED - UNF</p> <p>End of Report.</p>			

**INCIDENT REPORT
PERSONS INVOLVED**

AGENCY LEWISVILLE POLICE DEPARTMENT			ORI# TX0610600	INCIDENT# 16-12202		REPORT DATE 10/25/2016 11:37:00 AM		
INVOLVEMENT: SUSPECT		OFFENSES INVOLVED WITH:						
NAME: UNKNOWN						DOB	AGE	
ADDRESS:						SOCIAL SECURITY NUMBER		
CITY:		STATE:		ZIP:		HOME PHONE NUMBER		
EMPLOYER:		OCCUPATION:				WORK PHONE NUMBER		
DRIVERS LICENSE NUMBER/STATE/CLASS:		RACE:		SEX:		HEIGHT:	WEIGHT:	ETHNICITY:
HAIR COLOR:	HAIR LENGTH:	HAIR STYLE:	EYE COLOR.	COMPLEXION:	FACIAL HAIR:	BUILD:	TEETH:	SPEECH/VOICE:
CLOTHING:		BODY MARKS:				SUSPECT STATUS		SID:
NCIC# (PCN Missing Person)		ARREST NUMBER: YEAR: NUMBER:		JACKET NUMBER:		MONIKER		
RESIDENCY:								
INVOLVEMENT:		OFFENSES INVOLVED WITH:						
NAME:						DOB	AGE	
ADDRESS:						SOCIAL SECURITY NUMBER		
CITY:		STATE:		ZIP:		HOME PHONE NUMBER		
EMPLOYER:		OCCUPATION:				WORK PHONE NUMBER		
DRIVERS LICENSE NUMBER/STATE/CLASS:		RACE		SEX:		HEIGHT:	WEIGHT:	ETHNICITY:
HAIR COLOR:	HAIR LENGTH:	HAIR STYLE:	EYE COLOR:	COMPLEXION:	FACIAL HAIR:	BUILD:	TEETH:	SPEECH/VOICE:
CLOTHING:		BODY MARKS:				SUSPECT STATUS		SID:
NCIC# (PCN Missing Person)		ARREST NUMBER: YEAR: NUMBER:		JACKET NUMBER:		MONIKER:		
RESIDENCY:								